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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,974	08/05/2003	Zhenming Wang	ACRYS.0101	6945
22858	7590	05/24/2005	EXAMINER	
CARSTENS YEE & CAHOON, LLP P O BOX 802334 DALLAS, TX 75380			HANSEN, JAMES ORVILLE	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,974	Applicant(s) WANG, ZHENMING	
	Examiner James O. Hansen	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 5-9, 13 and 15-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 15-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 7, 2004.
2. Claims 5-9 & 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 29, 2005.
3. Applicant's election with traverse of the Group I invention in the reply is acknowledged. The traversal is on the ground(s) that the requirement was improper and that the inventions are not patentably distinct. This is not found persuasive because an argument that a requirement is improper without citing reasons to support such statement is without merit. As to the distinctness, it is viewed that this issue was properly conveyed as set forth in the applicable office action. The requirement is still deemed proper and is therefore made **FINAL**.
4. Applicant's election with traverse of the Group I species along with the sub-species of Groups A & B in the reply is acknowledged. It is noted that applicant did not submit arguments in support of the traversal. Accordingly, a lack of arguments cannot be viewed as being persuasive. As such, the requirement is still deemed proper and is therefore made **FINAL**. It is further noted that applicant withdrew claims 5-9 while the examiner added claim 13 to this group. Claim 13 was deemed to correlate

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with the species Group II [figures 6 & 5a-5f], specifically figure 6, which was not elected for examination on the merits.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3-4 & 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 3, the phrase “wherein each said hole” is unclear since the dependent subject matter [claim 2] previously recites “at least one hole” (viewed as positively reciting one hole and maybe more, if applicant chooses to positively recite them later e.g., “wherein said at least one hole comprises a plurality of holes” [the examiner suggests changing the phrase in claim 3 to state “wherein said at least one hole has...”). In Claim 11, line 1, the phrase “said face plate” does not have a proper antecedent basis. **Please note:** for examination purposes, claim 11 will be viewed as being dependent upon claim 10 for which there is a basis for the phrase in question [it is noted that claim 11 would otherwise be dependent upon a “withdrawn” claim and therefore not treated on the merits]. Appropriate correction by applicant is required. Consequently, claim 4 is rejected because it is dependent upon an indefinite claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 10-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Marquette [U.S. Patent No. 3,891,288]. Marquette (figures 1-11f) teaches of a storage system comprising: a drawer (10) having a top surface (can be viewed as top perimeter for example – fig. 1); a frame (38) for accepting at least one drawer; and a top plate (150) for removably placing over the top surface of the drawer, wherein the drawer has a face plate (26), wherein the drawer has a card holder (36), wherein the top plate covers all the top surface of the drawer, wherein the drawer has a bottom plate (28) capable of supporting articles.

9. Claims 1-3, 10, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese publication 2001-238744 [known hereafter as JP'744]. JP'744 (figures 1-5) teaches of a storage system comprising: a drawer (10) having a top surface (can be viewed as the top surface of element 12 for example – figs. 4 or 5); an inherent frame for accepting the drawer; and a top plate (35) for removably placing over the top surface of the drawer, wherein the top plate has at least one hole (38) capable of receiving an article, wherein the at least one hole has a removable insert (40), wherein the drawer has a face plate (14), wherein the top plate covers some of the top surface of the drawer, wherein the drawer has a bottom plate (12) capable of supporting articles.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-4, 10, 12 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang [U.S. Patent No. 4,895,650] in view of Marquette. Wang (figures 1-4a) teaches of a storage system comprising: a drawer (20 in as much as applicant denotes such structure) having a top surface (can be viewed as the top surface of element 21 for example – fig. 2); and a top plate (51) for removably placing over the top surface of the drawer, wherein the top plate has at least one hole (52a) capable of receiving an article, wherein the at least one hole has a removable insert (152a), wherein the removable insert has a through-hole for stabilizing an article (note fig. 1), wherein the drawer has a face plate (22), wherein the top plate covers all of the top surface of the drawer, wherein the drawer has a bottom plate (21) capable of supporting articles. Wang teaches applicant's inventive claimed structure as disclosed above, but does not show a frame for accepting the drawer. Marquette is cited as an evidence reference to show that it was known in the art to house a storage structure (10) within a frame (38). Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Wang so as to incorporate a frame as taught by Marquette because this arrangement would provide Wang with a means to securely support and store one or more drawer structures.

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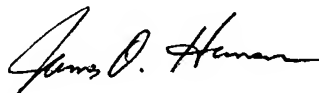
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilcox, Gurley and Spoto describe storage systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
May 20, 2005